

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LEE KELLY CLARKE,
Petitioner,
v.
SCSO AND PEOPLE OF CALIFORNIA,
et al.,
Respondents.

Case No. 2:22-cv-00026-KJM-JDP (HC)
FINDINGS AND RECOMMENDATIONS
THAT THIS ACTION BE DISMISSED FOR
FAILURE TO PROSECUTE, FAILURE TO
COMPLY WITH COURT ORDERS, AND
FAILURE TO STATE A CLAIM
OBJECTIONS DUE WITHIN FOURTEEN
DAYS

On April 12, 2022, I screened petitioner's petition for writ of habeas corpus, notified him that it failed to state a claim, and granted him thirty days to file an amended petition. ECF No. 7. I also warned him that failure to comply with that order would result in a recommendation that this action be dismissed. *Id.*

The deadline has passed, and petitioner has not filed an amended petition nor otherwise responded to the April 12, 2022 order.¹ Accordingly, it is hereby RECOMMENDED that:

1. This action be dismissed for failure to prosecute, failure to comply with court orders, and for failure to state a claim for the reasons set forth in the court's April 12, 2022 order. *See* ECF No. 7.

¹ Although it appears from the file that petitioner's copy of the April 12, 2022 order was returned, petitioner was properly served. Pursuant to Local Rule 182(f), service of documents at the record address of the party is fully effective.

1 2. The Clerk of Court be directed to close the case.

2 I submit these findings and recommendations to the district judge under
3 28 U.S.C. § 636(b)(1)(B) and Rule 304 of the Local Rules of Practice for the United States
4 District Court, Eastern District of California. The parties may, within 14 days of the service of
5 the findings and recommendations, file written objections to the findings and recommendations
6 with the court. Such objections should be captioned “Objections to Magistrate Judge’s Findings
7 and Recommendations.” The district judge will review the findings and recommendations under
8 28 U.S.C. § 636(b)(1)(C).

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10 IT IS SO ORDERED.

11 Dated: June 13, 2022


12 JEREMY D. PETERSON
13 UNITED STATES MAGISTRATE JUDGE

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